

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 18, 2025

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WENDY SCHULLER, *an individual*,

Plaintiff,

vs.

EASTERN WASHINGTON
UNIVERSITY, *a regional university*
and LYNN HICKEY
an individual,

Defendants.

No. 2:23-CV-0059-RLP

ORDER SETTING
SETTLEMENT CONFERENCE

---- ACTION REQUIRED ----

***In Camera* Letters Due: 03/28/2025**
Settlement Conference: 04/02/2025

By referral from the Honorable Rebecca L. Pennell, ECF No. 89, and with the consent of the parties to this action, a settlement conference shall commence **April 2, 2025, at 9:00 a.m. and continue until 1:00 p.m.**, before the undersigned, in Suite 740, 920 West Riverside Ave., United States Courthouse, Spokane, Washington.

The purpose of the settlement conference is to permit an informal discussion among the attorneys, parties, non-party indemnitors or insurers, and this magistrate judge of every aspect of the lawsuit bearing on its settlement value.

I. MEDIATION FORMAT

Settlement conferences typically are scheduled for a half-day—in this case from 9:00 a.m. to 1:00 p.m. The Court generally will use a mediation format: that is, a joint introductory session followed by private caucusing by the court with each

1 side. The Court expects both counsel and the party representatives to be fully
2 prepared to participate. The Court encourages all parties to keep an open mind to
3 reevaluate their previous positions and to discover creative means for resolving the
4 dispute.

5 Unless previously excused by the undersigned, for good cause, in addition to
6 counsel who will try the case and all named parties (including the person with full
7 settlement authority) must be physically present at this conference and ready to
8 proceed by 9:00 a.m. Defendant's client representative may appear via video
9 conference. Defense counsel shall facilitate the video conference. The person with
10 full settlement authority must have the ability, within his or her discretion, to permit
11 payment in full of the request for relief under the claims, counterclaims, and cross-
12 claims, up to the limits of the opposing parties' settlement demand that is produced
13 as a result of this order as provided below.

14 The parties are responsible for timely advising any involved non-party
15 insurance company of the requirements of this Order. This magistrate judge may,
16 in his discretion, converse with the lawyers, the parties, the insurance
17 representatives, or any one of them separately, prior to and during the conference.

18 II. SUBMISSIONS

19 In preparation for the settlement conference, each party shall submit an *in*
20 *camera* letter, labeled confidential, to the undersigned on or before **March 28,**
21 **2025.** Do not file copies of these letters on the court docket, and do not serve these
22 letters on the opposing party. The *in camera* letters shall provide the Court with an
23 update of the parties positions and any settlement discussions that occurred since
24 the last settlement conference.

25 *In camera* copies shall be emailed to: GoekeOrders@waed.uscourts.gov
26 **Failure to submit an *in camera* letter may result in cancellation or**
27 **rescheduling of the settlement conference.**
28

1 All communications made in connection with the settlement conference are
2 confidential and will not be disclosed. Any documents requested and submitted for
3 the settlement conference will be maintained in chambers and will be destroyed after
4 the conference. Neither the settlement conference statements nor any
5 communications occurring during the settlement conference can be used by any
6 party with regard to any aspect of the litigation or trial of this case.

7 **III. OTHER PROTOCOLS**

8 The court expects the parties to address each other with courtesy and respect.
9 Parties are encouraged to be frank and open in their discussions. As a result,
10 statements made by any party during the settlement conference are not to be used in
11 discovery and will not be admissible at trial.

12 The court further expects the parties to proceed in good faith, to anticipate a
13 settlement, and have available at the time of the conference a “settlement agreement”
14 in a form acceptable to them for signature by all parties when a settlement is reached.

15 **IT IS SO ORDERED.**

16 DATED March 18, 2025.




JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE